

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

**HAL D. BARNES
ADC #124499**

PLAINTIFF

VS.

CASE NO.: 5:08CV00328 SWW/BD

**ARKANSAS DEPARTMENT
OF CORRECTION, et al.**

DEFENDANTS

ORDER

The Court has received the Recommended Disposition from Magistrate Judge Beth Deere. The parties have not filed objections. After careful review of the Recommended Disposition, as well as a *de novo* review of the record, the Court concludes that the Recommended Disposition should be, and hereby is, approved and adopted as this Court's findings in all respects in its entirety.¹

Plaintiff's Complaint (docket entry #2) is DISMISSED WITH PREJUDICE under 28 U.S.C. § 1915A. The dismissal will count as a "strike" for purposes of 28 U.S.C. § 1915(g). The Court certifies that an *in forma pauperis* appeal taken from the order and judgment dismissing this action would be frivolous and not taken in good faith.

IT IS SO ORDERED, this 27th day of January, 2009.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE

¹ Plaintiff has not filed objections to the Magistrate Judge's recommended disposition but instead has filed a motion to amend what he states is his "ambiguous complaint." Plaintiff, however, sets forth nothing that would call into question the Magistrate Judge's recommended disposition. Accordingly, plaintiff's motion to amend his complaint [doc.#5] is denied.